



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

July 28, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Andy Schwartz, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against Goosewing
Ranch, Inc.
PWS #5601510

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Goosewing Ranch, Inc., Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of 40 C.F.R. §§ 141.70(a), 141.72 and 141.73 for: failure to install and properly operate water treatment processes required for surface water systems; and failure to install filtration and disinfection to reliably achieve at least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts and at least 99.99 percent (4-log) removal and/or inactivation of viruses.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

July 28, 2004

Ref: 8ENF-W

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7003 2260 0001 7778 6035

Goosewing Ranch, LLC
Peter F. Moyer, Esq.
Registered Agent
P.O. Box 4084
Jackson, Wyoming 83001

Two Bears, Inc.
Francois Corrand, President
P.O. Box 4084
Jackson, Wyoming 83001

Re: Administrative Order
Docket No. **SDWA-08-2004-0039**
Goosewing Ranch Water System
PWS ID #5601510

Dear Messrs. Moyer and Corrand:

Enclosed you will find an Administrative Order ("Order"), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. The Administrative Order finds that Goosewing Ranch, LLC and Two Bears, Inc. are public water suppliers as defined by the SDWA and that they have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.70(a), 141.72 and 141.73 for: failure to install and properly operate water treatment processes required for surface water systems; and failure to install filtration and disinfection to reliably achieve at least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts and at least 99.99 percent (4-log) removal and/or inactivation of viruses.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.



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Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Olive Hofstader at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Hofstader at (800) 227-8917, extension 6467, or (303) 312-6467. If you wish to have an informal conference with EPA, you may also call or write Ms. Hofstader. If you are represented by an attorney or have legal questions, please call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
SBREFA

cc: Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Goosewing Ranch, LLC)	
Jackson, Wyoming)	
and)	ADMINISTRATIVE ORDER
Two Bears, Inc.)	
Jackson, Wyoming)	
)	
Respondents)	Docket No. SDWA-08-2004-0039
)	
Proceedings under Section 1414(g))	
of the Safe Drinking Water)	
Act, 42 U.S.C. § 300g-3(g))	
)	

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act, (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, Region 8.

FINDINGS

1. Goosewing Ranch, LLC (Respondent) is a limited liability corporation under the laws of the State of Wyoming as of 1996 and Two Bears, Inc. (Respondent) is a corporation under the laws of the State of Wyoming as of 1994 and both are therefore "persons" within the meaning of 40 C.F.R. § 141.2.



2. Respondents own and/or operate a system, the Goosewing Ranch Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. The Goosewing Ranch Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 18, 2002 sanitary survey, Respondents operate a system that is supplied by a surface water source. The system serves an average of 30 persons daily through 13 service connections and is open year round except for the months of April, May, October and November.
6. In a letter dated June 28, 2002 from the Environmental Protection Agency, Respondents were notified that Goosewing Ranch had been activated as a public water system that uses a surface water source which must comply with the Surface Water Treatment Rule, and that the System had 18 months from the date of the



letter (by December 31, 2003) to: 1) install centralized filtration and adequate disinfection; 2) demonstrate compliance with the filtration avoidance criteria; or 3) utilize a different source of potable water.

7. On August 21, 2003, the Wyoming Department of Environmental Quality issued a permit to construct the Goosewing Ranch Spring as the new water source for the Goosewing Ranch Water System. In October 2003, an EPA contractor inspected the new source. At that time he determined that the spring development was complete, but the transmission line and storage tank had not been constructed. Respondents were continuing to use the surface water source for drinking water. In a letter dated March 22, 2004, EPA notified Respondents that they were in violation of the Surface Water Treatment Rule because they failed to meet the 18-month deadline. An April 15, 2004 letter from the Respondents to EPA states that the system will transition to the new water supply in October 2004.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. §§ 141.70(a), 141.71, 141.72 and 141.73 require public water systems using a surface water source to provide treatment to reliably achieve at least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) removal and/or inactivation of viruses within 18 months of notification by the primacy agency.



2. Respondents failed to install filtration and disinfection for their surface water source to reliably achieve the required removal/inactivation of *Giardia lamblia* cysts and viruses from December 31, 2003 to present, in violation of 40 C.F.R. §§ 141.70(a), 141.71, 141.72, and 141.73.

ORDER

Based on the foregoing findings, and pursuant to the authority of Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the effective date of this Order, Respondents shall submit a plan for completion of the new spring source, including, but not limited to, estimated costs of development and construction or modifications of the source and distribution system, disconnection of the surface water source from the drinking water system, final evaluation to determine if the new spring source is under the direct influence of surface water, and a schedule for the project. The schedule shall include specific milestone dates, with a final completion date of not later than three months from the effective date of this Order, and shall be submitted to EPA. Within 60 days of the effective date of this Order, and every 30 days thereafter, Respondents shall submit an interim report to EPA on the progress made toward completion of the new source development.
2. Alternatively, if the new source development is abandoned, within 30 days of the effective date of this Order, Respondents shall submit a plan to install filtration



and disinfection for the surface water source that includes proposed system modifications, including, but not limited to, filter specifications, filter efficiency, estimated costs of modification, and a schedule for construction of the project. The schedule shall include specific milestone dates, a final completion date of not later than six months from the effective date of this Order, and shall be submitted to EPA. Within 90 days of the effective date of this Order, and every 30 days thereafter, Respondents shall submit an interim report to EPA on the progress made toward bringing the System into compliance with the filtration and disinfection requirements at 40 C.F.R. §141.70(a). Respondents shall comply with the requirements of 40 C.F.R. §§141.72(b), 141.73, 141.74 and 141.75 after installation of filtration/disinfection.

3. Additionally, if the new source is determined to be under the direct influence of surface water, within 90 days of the effective date of this Order, Respondents shall submit a plan to install filtration and disinfection for the source that includes proposed system modifications, including, but not limited to, filter specifications, filter efficiency, estimated costs of modification, and a schedule for construction of the project. The schedule shall include specific milestone dates, a final completion date of not later than eighteen months from the date of the determination, and shall be submitted to EPA. Within 120 days of the effective date of this Order, and every 30 days thereafter, Respondents shall submit an interim report to EPA on the progress made toward bringing the System into



compliance with the filtration and disinfection requirements at 40 C.F.R.

§141.70(a). Respondents shall comply with the requirements of 40 C.F.R.

§§141.72(b), 141.73, 141.74 and 141.75 after installation of filtration/disinfection.

4. Respondents shall continue to comply with the interim requirements for public notice, disinfection, monitoring and reporting set forth in the June 28, 2002 letter from EPA to the Respondents until EPA receives written notification that the new source development is complete and the surface water source is permanently disconnected from the drinking water distribution system.
5. Respondents shall submit written notification to EPA when the new spring source development is completed and it is the sole water source for the Goosewing Ranch Water System.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

Olive Hofstader
U.S. EPA Region 8 (ENF-W)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.



2. Violation of any term of this Order instituted under Section 1414(g)(3)(A) of the Act may subject the Respondents to an administrative civil penalty of up to \$27,500 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court, under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation, assessed by the U.S. District Court, under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance.

Issued this ____ day of _____, 2004

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JULY 28, 2004.

